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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/707,923	11/08/2000	Richard M. Bentley	D/99628	9614

7590

04/07/2004

John E Beck
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Rochester, NY 14644

EXAMINER

TRAN, QUOC A

ART UNIT	PAPER NUMBER
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2176

DATE MAILED: 04/07/2004

b

Please find below and/or attached an Office communication concerning this application or proceeding.

5x

Office Action Summary

Application No.

09/707,923

Applicant(s)

BENTLEY ET AL.

Examiner

Quoc A. Tran

Art Unit

2176

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 08 November 2000.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 10/15/01 No.4.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

1. This action is responsive to application filed **11/08/2000**.
2. Claims 1-20 are currently pending in this application. Claims 1, 12 and 19 are independent claims.

Claim Rejections - 35 USC § 101

3. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

4. **Claims 12-18 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.**

As to independent claim 12, the claimed invention is not tied to the technological art environment or machine, environment or machine which would result in a practical application producing a concrete, useful, and tangible result to form the basis of statutory subject matter under 35 U.S.C. 101. The claimed invention is not embodied on a computer readable medium, nor are the "executable instructions" explicitly recited as being carried out, or functionally tied in, to a computer environment. Therefore, the claims read on steps that could be carried out mentally and/or using paper and pencil.

As to dependent claims 13-18 also are not tied to the technological art environment or machine, and are rejected under the same rationale.

Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

6. **Claims 1-20 are rejected under 35 U.S.C. 102(b) as being anticipated over Mclan et al. US Patent No. 6,130,968 issued 10/10/2000 filed 10/03/1997 (hereinafter '968).**

In regard to independent claim 12, "A method of generating a display of a sequential presentation of words from a section of text, the method comprising:(a) generating a first display region in which words are presented sequentially one after another in time; and (b) generating a thumbnail view of the section of text from which the words in the first region are being read, the thumbnail view being such as to indicate at least an approximate location within the thumbnail view of the text currently being displayed in the first display region" is taught in '968 col. 3, lines 45-60.

In regard to dependent claim 13, "*wherein the sequence of words presented in the first display region is advanced at a controlled presentation rate*" is taught in '968 col. 3, lines 45-60 (i.e. sequentially and one word at a time. Thus, in this invention, only

one word of that text will appear at any point in time. The word is allowed to automatically pass through the display window at a display rate).

In regard to dependent claim 14, *"displaying an indicator in the thumbnail view to indicate the location in the section of text of the word currently displayed in said first display region"* is taught in '968 col. 8, lines 35-52 (i.e. user can literally edit or make notes on the text as displayed in the text display window 16. ...).

In regard to dependent claim 15, *"moving the indicator in the thumbnail view as the sequence of words presented in the first display region is advanced "* is taught in '968 col. 8, lines 50-52 (i.e. These commands would allow the user to advance to any text to be yet displayed or any previously displayed text and note a bookmark or the like).

In regard to dependent claim 16, *"generating the thumbnail view to be larger than the first display region, the thumbnail view being located in a first display pane, and the first display region being located in a second display pane in front of the first display pane, the first display region overlapping the thumbnail view. "* is taught in '968 col. 4, lines 30-50 (i.e. ... displayed at a size of two to ten times the normal character height of the text when displayed on a standard computer monitor... the text is overlaid on a background).

In regard to dependent claim 17, *"position of the thumbnail view relative to the first display region, such that the relative position of the thumbnail view is indicative of the location in said section of text of the word currently displayed in the first display region "* is taught in '968 col. 4, lines 55-65 (i.e. ... displayed text by a subject, using the

rapid and sequential display of words in a window on a computer monitor, along with a secondary display of a portion of the body of the text which had been previously presented).

In regard to dependent claim 18, *"moving the position of the thumbnail view relative to the first display region as the sequence of words presented in the first region is advanced."* is taught in '968 col. 8, lines 43-52 (i.e. ... a vertical line located on the left-hand side, one character away from the left-hand edge. The user can operate either the mouse or a key on the keyboard and release within that space a bookmark at a place in the text...).

In regard to independent claim 19, is directed to a system for performing the method of claim 12, and is similarly rejected under the same rationale.

In regard to dependent claim 20, *"system is a rapid sequential visual presentation type display system."* is taught in '968 col. 2, lines 66-67 through col. 3, lines 1-5 (i.e. ... body of the text containing words previously read is displayed in a window separated from a window in which words are sequentially and rapidly presented...).

In regard to independent claim 1, is directed to an apparatus for performing the method of claim 12, and is similarly rejected under the same rationale.

In regard to dependent claim 2, is directed to an apparatus for performing the method of claim 13, and is similarly rejected under the same rationale.

In regard to dependent claim 3, is directed to an apparatus for performing the method of claim 14, and is similarly rejected under the same rationale.

In regard to dependent claims 4, 7, 9, and 11, are directed to apparatuses for performing the method of claim 17, and are similarly rejected under the same rationale.

In regard to dependent claim 5, is directed to an apparatus for performing the method of claim 15, and is similarly rejected under the same rationale.

In regard to dependent claim 6, "*wherein the indicator is a cursor*" is taught in '968 col. 8, lines 40-42 (i.e. mouse is moved across portions of the text. Further, the text may be underlined, etc).

In regard to dependent claim 8, is directed to an apparatus for performing the method of claim 16 and is similarly rejected under the same rationale.

In regard to dependent claim 10, is directed to an apparatus for performing the method of claim 18 and is similarly rejected under the same rationale.

Conclusion

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Reicheck et al. U.S. Patent No. 5,960,448 issued 09/28/1999 filed 12/15/1995

Hill et al. U.S. Patent No. 6,023,714 issued 02/08/2000 filed 04/24/1997

Golovchinsky et al. U.S. Patent No. 6,128,634 issued 10/03/2000 filed 01/06/1998

Wu U.S.Pub No. 2003/0212759A1 issued 11/13/2003 filed 02/07/2001

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Quoc A. Tran whose telephone number is (703) 305-

8781. The examiner can normally be reached on Monday through Friday from 8:30AM to 5:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph H. Feild can be reached on (703) 305-9792. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Quoc A. Tran
Patent Examiner
Technology Center 2176
March 29, 2004


JOSEPH FEILD
SUPERVISORY PATENT EXAMINER